



**Transportation
Security
Administration**

**TRANSPORTATION SECURITY ADMINISTRATION
Office of Human Resources Management
Washington, DC 20590**

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SUBJECT: Interim Guidance on Leave

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Attached please find our interim guidance on leave. This guidance shall be followed until a policy is issued.

**US DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION
HUMAN RESOURCES MANAGEMENT GUIDANCE**

SUBJECT: Interim Guidance on Leave

The following general information is provided as guidance for management to use when dealing with questions/situations related to leave. The FAA Absence and Leave Policy (3400.1) may be used as reference tool in conjunction with this guidance. A formal TSA leave policy will be issued at a later date.

Annual Leave

Annual leave is paid time off for vacations or other purposes.

Full-time employees (80-hour biweekly work schedule) earn annual leave at the following rates:

1. Those with less than 3 years of service earn 4 hours each full biweekly pay period.
2. Those with 3 but less than 15 years of service earn 6 hours each full biweekly pay period, except for the last full pay period of the calendar year when they earn 10 hours.
3. Those with 15 or more years of service earn 8 hours each full biweekly pay period.

Part-time employees must have a regularly assigned tour of duty on at least 1 day a week of each pay period to earn annual leave. They earn leave at the following rates:

1. Those with less than 3 years of service earn 1 hour for each 20 hours in a pay status.
2. Those with 3 but less than 15 years of service earn 1 hour for each 13 hours in a pay status.
3. Those with 15 or more years of service earn 1 hour for each 10 hours in a pay status.

Advanced Annual Leave

In accordance with the procedures of the organizational unit, employees, including probationary employees, may be advanced annual leave up to the amount they will accrue through the end of the current leave year, provided they are expected to continue employment with TSA long enough to earn enough annual leave to repay the advanced leave. In unusual circumstances where employees' annual leave accrual amount is insufficient to accommodate advanced leave needs (e.g., new employees hired in the last calendar quarter), employees may be advanced a reasonable amount of leave beyond their annual accrual limit.

Requests for advanced annual leave must be made in writing. Management approval of advance annual leave is discretionary.

Annual Leave Carry-over

The standard carry over of annual leave into the next leave year for most employees is limited to 240 hours for non-TSES employees. Employees stationed overseas may carry over up to 45 days of annual leave to the next leave year. When an employee in the Transportation Security

Executive Service (TSES) enters on duty at TSA, he or she may retain and carry over all accumulated annual leave up to a maximum of 720 hours.

An employee who transfers to TSA from an agency that allows employees to maintain an annual leave balance higher than 240-hours may retain the higher balance as a personal leave ceiling upon transferring to TSA. The employee's leave balance will be reviewed each year to determine his or her personal leave ceiling for the next year. This will continue until the employee's leave balance falls to 240 hours.

Restoration of Annual Leave/ Use or Lose

Managers and employees should ensure that leave is requested and used throughout the year to prevent loss at the end of the year. Excess annual leave may be approved for carry over into the next leave year for the following reasons:

1. **Exigencies of Public Business.** On occasion, scheduled and approved annual leave may have to be canceled as the result of an operational demand (exigency).
2. **Sickness.** Absent unusual circumstances, annual leave scheduled during the last quarter of the leave year that could not be used because of illness will be approved for carry over. In this instance, the employee would elect to use sick leave for the period of absence initially scheduled as annual leave.
3. **Administrative Error.** Annual leave forfeited because of administrative error will be restored in cases where the error was made by an agency representative.

Restored annual leave must be scheduled and taken within two (2) years from the date approved.

Sick Leave

Sick leave is paid time off for physical or mental illness, injury, pregnancy or childbirth, or medical, dental, or optical examination and treatment. Sick leave may also be used for purposes relating to the adoption of a child. Federal employees earn 13 days of sick leave each leave year (104 hours), and there is no limit on the amount of sick leave they can accumulate throughout their career.

Sick Leave for Family Care or Bereavement Purposes

Employees may use up to 104 hours (13 workdays) of sick leave each leave year to:

1. Provide care for a family member who is incapacitated as a result of physical or mental illness, injury, pregnancy, or childbirth;
2. Attend to a family member receiving medical, dental, or optical examination or treatment; or
3. Make arrangements necessitated by the death of a family member or attend the funeral of a family member.

For this purpose, "family member" is defined as: spouse, and parents thereof; children, including adopted children, and spouses thereof; parents; brothers and sisters, and spouses thereof; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

There are limitations on the amount of sick leave that may be used for family care and bereavement purposes.

1. Full-time employees may use 40 hours of sick leave for general family care or bereavement purposes each leave year.
2. Employees who maintain a sick leave balance of at least 80 hours, may use an additional 64 hours of sick leave for general family care or bereavement purposes, for a maximum of 104 hours per leave year.
3. An employee may use up to 480 hours of sick leave per leave year to care for a family member with a serious health condition. Any leave used for general family care must be deducted from the 480 hours and the employee must maintain 80 hours of sick leave in his or her leave account.

Part-time employee use of sick leave for family care and bereavement purposes is pro-rated based on the number of hours in the employee's regularly scheduled biweekly pay period.

Advanced Sick Leave

After an employee has exhausted his or her available sick leave, management may advance the employee up to a maximum of 30 days of sick leave. For an employee, including a probationary employee, to be considered for advanced sick leave, the following criteria must be met:

1. The request for advanced sick leave must be for a period of at least one (1) day;
2. The employee must be expected to work at TSA long enough to repay the advanced leave;
3. The employee's total employment record with TSA and past record of sick leave usage must justify the advance;
4. The request for advanced sick leave must be in writing; and
5. The supporting medical documentation must be submitted along with the written request, or provided within a reasonable time frame after the submission of the request.

Sick leave earned upon return to duty will be credited to the advanced sick leave deficit until the total advanced amount is repaid. Leave taken for medical reasons during the period of repayment must be charged to annual leave or LWOP. If employees separate or retire from TSA (except for death or disability) before repaying any advance, the Payroll office will take appropriate steps to collect the amount owed.

An employee may only be advanced up to the first 40 hours of sick leave to care for a family member or for bereavement purposes.

The Family and Medical Leave Act (FMLA)

FMLA provides Federal employees with a total of 12 administrative workweeks of unpaid leave during any 12-month period (12-month period begins on the first day the employee uses FMLA) for certain family medical situations including:

1. The birth of a child and care of the newborn;
2. The placement of a child with the employee for adoption or foster care;
3. The care of a spouse, child, or parent with a serious health condition; and

4. A serious health condition that renders the employee unable to perform the duties of his or her position.

Eligible employees must have 12 months of federal service (does not have to be 12 consecutive or recent months). Employees must provide medical documentation using the Department of Labor form WH380 or other documentation that provides the necessary and relevant information required to approve the request. Employees may substitute annual and sick leave as appropriate for periods of leave without pay under FMLA.

Voluntary Leave Transfer Program (VLTP)

The VLTP allows employees to receive donated annual leave from other Federal employees. In order to be approved as a leave recipient, an employee must experience a medical emergency that would place the employee in a leave without pay status for at least 24 hours. The employee must use all available and accrued leave before using donated leave.

Employees may donate annual leave only to recipients approved for the VLTP. A leave donor may donate the lesser of one half of the amount of annual leave he or she would be entitled to accrue during the leave year in which the donation is made or the number of hours remaining in the leave year (as of the date of the contribution) for which the leave contributor is scheduled to work and receive pay.

Donated annual leave may be used to liquidate an indebtedness of advanced sick leave.

Military Leave

Full-time employees in the National Guard or Reserve of the Armed Forces earn 15 days of military leave each fiscal year. The entire 15 days becomes available for employee use on October 1 of the fiscal year. Full-time employees working 40-hour workweeks accrue 120 hours of military leave in a fiscal year. An employee may be charged military leave only for hours that the employee would otherwise have worked and received pay.

An employee may carry over up to 15 days of military leave from one fiscal year to the next. This would allow an employee to use a maximum of 30 days of military leave in any given fiscal year.

Military leave is prorated for part-time employees based on the number of hours in the employee's regularly scheduled biweekly pay period.

Court Leave

An employee is entitled to paid time off without charge to personal leave to serve as a juror in the courts of the United States, the District of Columbia, or State or local governments; or as a witness in judicial proceedings where the United States, the District of Columbia, a State, or local government is a party to the proceeding. The employee must provide a summons to jury duty or equivalent document prior to the date for which court leave is requested. An employee is responsible for informing his or her supervisor if he or she is excused from jury or witness service for 1 day or more or for a substantial part of a day. To avoid undue hardship, an agency may adjust the schedule of an employee who works nights or weekends and is called to jury duty.

Employees must reimburse to the agency fees paid for service as a juror or witness. However, monies paid to jurors or witnesses that are in the nature of "expenses", e.g., transportation, do not have to be reimbursed to the agency.

An employee who is summoned as a witness in an official capacity on behalf of the Federal Government is on official duty, not court leave. An employee who serves as a witness in a

judicial proceeding between private parties (i.e., where no government entity is a party) is not entitled to court leave.

Leave Without Pay (LWOP)

LWOP is used instead of paid leave for various purposes with supervisory approval. As a general rule, supervisors may not place employees on LWOP unless the employee requests it. Extended periods of leave without pay may affect health and retirement benefits, future pay adjustments, and leave accrual. LWOP should not be granted if an employee does not report for work, does not follow proper leave requesting procedures and does not provide administratively acceptable documentation to support the absence.

Absence Without Leave (AWOL)

If an employee does not report for duty as scheduled and does not follow proper leave requesting procedures, the employee should be charged as absent without leave. AWOL may serve as the basis for a disciplinary action. If the employee provides administratively acceptable documentation to support the absence, the time and attendance report should be changed to reflect the proper leave category.

Bone Marrow and Organ Donations

An employee may use up to 7 days of paid administrative leave each calendar year to serve as a bone-marrow donor. An employee also may use up to 30 days of paid administrative leave each calendar year to serve as an organ donor. Leave for bone marrow and organ donation is a separate category of leave that is not charged to annual or sick leave.

Home Leave

Employees who have 24 months of continuous service abroad are entitled to home leave. Employees with official duty stations in Alaska, Guam, Hawaii, the Isthmus of Panama, Puerto Rico, or the Virgin Islands are not entitled to home leave.